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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO
and COUNTY OF SANTA CLARA,

Plaintiffs,

vs.

DEPARTMENT OF HOMELAND
SECURITY; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; KEVIN
McALEENEN, Acting Secretary of Homeland
Security; and KEN CUCCINELLI, in his
official capacity as Acting Director of U.S.
Citizenship and Immigration Services,

Defendants.

Case No. 4:19-cv-04717-PJH

**DECLARATION OF COUNTY OF SANTA
CLARA CHIEF OPERATING OFFICER
MIGUEL MÁRQUEZ IN SUPPORT OF
COUNTIES' MOTION FOR
PRELIMINARY INJUNCTION**

Hearing Date: October 2, 2019
Time: 9:00 am
Judge: Hon. Phyllis J. Hamilton
Place: Oakland Courthouse
Courtroom 3 - 3rd Floor
Trial Date: Not set

1 I, MIGUEL MÁRQUEZ, declare as follows:

2 1. I am Chief Operating Officer for the County of Santa Clara (“County”). I submit
3 this declaration in support of the City and County of San Francisco and County of Santa Clara’s
4 Motion for a Preliminary Injunction. I have personal knowledge of the facts set forth in this
5 declaration and, if called as a witness, I could and would testify competently to the matters set
6 forth herein.

7 2. I have been the Chief Operating Officer for the County since August 2016. In this
8 capacity, I supervise and oversee the County’s operations. I have been privileged to serve in
9 high-level roles at the County and other public entities for nearly twenty years. From 2012 to
10 2016, I served as an Associate Justice on California’s Sixth District Court of Appeal. For three
11 years before my appointment to the Court of Appeal, I served as the County Counsel and Acting
12 County Counsel for the County of Santa Clara. In this capacity, I advised the County’s Board of
13 Supervisors, the County’s executive management team, and staff throughout the County
14 organization on a broad range of legal issues, including issues involving finance, local
15 governance, and local policy. Before joining the County, I served as counsel to several other
16 public entities, including in governance, finance, and policy matters.

17 3. I have a deep understanding of the County’s policies, structure, operations, and
18 processes. I have been integrally involved in the development and implementation of County
19 policies and budget processes, including those concerning the County’s provision of public
20 benefits, health services, and other programs that serve the County’s residents, including its
21 immigrant communities.

22 4. The County has about 1.9 million residents, thirty-eight percent of whom are
23 foreign-born—the highest percentage of any California county. The County has a strong interest
24 in ensuring that all of its residents, including immigrants and their families, have access to health
25 and safety-net services and the support they need to build healthy, thriving communities.

26 5. The County provides immigrant-focused community services through the Office of
27 Immigrant Relations (“OIR”), which works to understand the needs of immigrant communities in
28 the County, collaborates and supports organizations working to improve the lives of immigrants

1 in the County, and promotes effective coordination of services to facilitate full inclusion of the
2 County's immigrant communities. As part of these efforts, OIR administers a grant program
3 initiated by the County's Board of Supervisors in 2016 to support nearly twenty community-
4 based organizations (CBOs) operating in the County in providing free and low-cost legal
5 assistance to immigrants and their families, funding approximately \$3.5 million in Fiscal Year
6 2017-2018. For Fiscal Year 2018-2019, the County's total support for immigration-related
7 services amounted to nearly \$5.5 million. This is because of separate programming that began a
8 few years prior in which the County began to provide funds to local nonprofits to provide legal
9 services for immigration cases and proceedings involving unaccompanied minors and families
10 with children as well as some other forms of legal assistance.

11 6. The County also serves as the frontline administrator of a range of safety-net
12 benefits and programs that serve the most vulnerable residents in the County. In addition, the
13 County runs and oversees most public health functions in Santa Clara County, including disease
14 control and prevention and a multi-billion-dollar health and hospital system that serves, among
15 other things, as a provider of last resort, offering care to low-income and vulnerable residents
16 regardless of their ability to pay.

17 7. A significant number of these programs are either wholly or partially funded by
18 enrollment-based federal programs, such as Medicaid (known in California as Medi-Cal), the
19 Supplemental Nutrition Assistance Program (SNAP, known in California as CalFresh),
20 Supplemental Security Income (SSI), and Temporary Assistance for Needy Families (TANF,
21 known in California as CalWORKS). Large numbers of noncitizens in the County live in
22 families in which at least one person receives these types of benefits. For example, as of July
23 2019, approximately 72,400 individuals live in families in which at least one person received
24 Medi-Cal. Most of these benefits are provided through programs established by the federal
25 government but which are administered by the County, often along with the State of California.

26 8. In conjunction with these federal programs, the County provides a wide range of
27 programs supported by local or joint state-local funding. These programs promote resident and
28 community health and well-being and support County residents at nutritional risk, such as infants,

1 children, and expecting mothers. For the County's local programs to be successful and
2 sustainable, it is critical and often mandatory that residents enroll—and remain enrolled—in
3 federal benefit programs for which they are eligible as a prerequisite for receiving certain services
4 from the County. The County's local programs offer complementary services that supplement
5 and fill gaps in federal benefit programs. Together, these programs enable the County to operate
6 a comprehensive and highly complex health and safety-net system.

7 9. If County residents were to forego or disenroll from public benefit programs
8 despite continued need for assistance, the County would be forced to devote substantial local
9 resources to meeting these residents' escalating needs as they would not otherwise receive
10 primary care and other critical services available to individuals enrolled in benefit programs.
11 This, in turn, would divert needed County resources and threaten the viability of important locally
12 funded County programs. The County would need to immediately consider funding reallocations,
13 program restructuring, and new expenditures to address continuing—and growing—community
14 needs. Disenrollment from Medicaid and SNAP alone would require County agencies and
15 departments to both reallocate funds and seek significant amounts of additional funds to protect
16 public health and address community health care needs.

17 10. I am familiar with the Department of Homeland Security's (DHS) rulemaking
18 regarding Inadmissibility on Public Charge Grounds. Because this rulemaking is of great concern
19 to the County's immigrant communities, OIR has tracked it closely and has been required to
20 expend substantial resources engaging with the community regarding the proposed and final
21 rules. Since DHS announced its proposed public charge rule in October 2018, five full-time OIR
22 staff have spent more than 700 hours engaging in outreach and education with CBOs and
23 immigrant communities about their public charge-related concerns and fears, and fielding
24 questions from community members about the impact of the proposed and final rule. Since DHS
25 submitted the public charge rule for publication in the Federal Register on August 12, 2019, OIR
26 already has had to expend scores of hours digesting the rule, creating literature to inform the
27 community about the rule, meeting with community groups, and exploring means of obtaining
28 additional County funding for public charge-related direct legal services, given the rapidly

1 increasing need for residents to find free or low-cost immigration and public benefit legal
2 services. OIR expects to commit even greater amounts of staff time in the coming months to
3 engage in community outreach, provide trainings, and offer other programming related to the
4 public charge rule.

5 11. Many other County agencies and departments will also incur significant
6 administrative costs to mitigate the upheaval caused by the public charge rule. These costs
7 include answering questions about the public charge rule, processing public benefit disenrollment
8 requests, assessing programmatic impacts, reviewing and potentially altering policies and
9 procedures, receiving and providing trainings, and conducting community outreach. Although a
10 significant investment of resources, these programmatic responses are essential to mitigating the
11 serious fiscal and public health harms caused by the public charge rule and to ensuring that the
12 overall health and well-being of our residents and communities is not harmed.

13 I declare under penalty of perjury under the laws of the United States that the foregoing is
14 true and correct and that this declaration was executed on August 28, 2019 in San José,
15 California.

16 Respectfully submitted,

17 
18 MIGUEL MÁRQUEZ